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EXAMINER

ESTRADA, ANGEL R

ART UNIT	PAPER NUMBER
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2831

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Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No. 10/734,569	Applicant(s) PLANKELL, GARY DEAN	
	Examiner Angel R. Estrada	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-32, 34-47 and 51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31 and 32 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8, 10, 11, 13-15, 19-25, 27-30, 34, 38-40, 43-46 and 51 is/are rejected.
- 7) ☒ Claim(s) 3, 7, 12, 16-18, 26, 35-37, 41, 42 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 1-30, 37 and 43-45 is withdrawn in view of the newly discovered reference(s) to Ware (US 3,690,501). Rejections based on the newly cited reference(s) follow.

2. Claims 31 and 32 allowed.

Regarding claims 31-32, the prior art does not teach or fairly suggest in combination with the other claimed limitations and a base housing cover plate including a plurality of cordless telephone base station mounts adapted to cover the base open front and adapted to connect to the plurality of wall hanging slots of the base station of the cordless telephone to thereby mount the cordless telephone to the interior wall of the building structure.

This limitation is found in claims 31 and 32, and is neither disclosed nor taught by the prior art of record, alone or in combination

3. Claims 3, 7, 12, 16-18, 26, 35-37, 41, 42 and 47 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 3, 7, 12, 16-18, 26, 35-37, 41, 42 and 47 3 are:

Regarding claim 3, the prior art does not teach or fairly suggest in combination with the other claimed limitations the outlet housing comprising wherein the base sidewall has an outer surface including a transversely extending upper rail and lower rail having adjacent first and second ends, and a lateral stop adjacent one of the first and second ends of the upper and lower rails, wherein the power outlet housing includes an upper flange and a lower flange substantially parallel to and spaced apart from the upper flange and positioned adjacent the open front of the power outlet housing, and wherein the power outlet housing is slidably connected to the outer surface of the first base sidewall along the upper and lower flanges between the upper rail, lower rail, and lateral stop of the base housing to provide for quick mounting and removal of the power outlet housing from the base housing.

Regarding claims 7 and 12, the prior art does not teach or fairly suggest in combination with the other claimed limitations the outlet housing further comprising a base housing cover plate positioned to cover the base open front and having at least one cord channel formed in a peripheral region of the base housing cover plate adapted to allow passage of at least one of an alternating current power cord and a telephone cord therethrough, and further having a cordless telephone base station mount adapted to connect to a wall hanging slot of a base station of a cordless telephone to thereby mount the cordless telephone to an interior wall of the building structure.

Regarding claim 16, the prior art does not teach or fairly suggest in combination with the other claimed limitations wherein the base housing cover plate has at least one cord channel formed in a peripheral region of the base housing cover plate adapted to allow passage of at least one of the alternating current power cord and the telephone cord therethrough.

Regarding claim 17, the prior art does not teach or fairly suggest in combination with the other claimed limitations wherein the base housing cover plate has a plurality of cordless telephone base station mounts adapted to connect to a plurality of wall hanging slots of a base station of the cordless telephone to thereby mount the cordless telephone to an interior wall of the building structure.

Regarding claim 18, the prior art does not teach or fairly suggest in combination with the other claimed limitations the outlet housing comprising wherein the base sidewall has an outer surface including a transversely extending upper rail and lower rail having adjacent first and second ends, and a lateral stop adjacent one of the first and second ends of the upper and lower rails, wherein the power outlet housing includes an upper flange and a lower flange substantially parallel to and spaced apart from the upper flange and positioned adjacent the open front of the power outlet housing, and wherein the power outlet housing is slidably connected to the outer surface of the first base sidewall along the upper and lower flanges between the upper rail, lower rail, and lateral stop of the base housing to provide for quick mounting and removal of the power outlet housing from the base housing.

Regarding claim 26, the prior art does not teach or fairly suggest in combination with the other claimed limitations an apparatus, wherein the female telephone jack includes the proximal end, a distal end, and a body extending therebetween sized for and positioned in the female telephone jack aperture of one of the second and third base sidewalls and having a cavity for receiving at least one male telephone jack connector, the proximal end of the female telephone jack having a proximal surface extension to provide an inner stop, and the body having a plurality of side connectors to form an outer stop, the combination of the proximal surface extension and plurality of side connectors to provide a positive lock of the female telephone jack within the telephone jack aperture when so positioned.

Regarding claims 35, 36, 41 and 42, the prior art does not teach or fairly suggest in combination with the other claimed limitations an apparatus wherein the base housing cover plate has at least one cord channel formed therein and adapted to allow passage of the alternating current power cord therethrough.

Regarding claim 37, the prior art does not teach or fairly suggest in combination with the other claimed limitations an apparatus wherein the first base sidewall has an outer surface including a transversely extending upper rail, a lower rail substantially parallel to and spaced apart from the upper rail, the upper rail and lower rail having adjacent first and second ends, and a lateral stop adjacent one of the first and second ends of the upper and lower rails, wherein the power outlet housing includes an upper flange and a lower flange substantially parallel to and spaced apart from the upper flange and positioned adjacent the power outlet open front of the power outlet housing,

and wherein the power outlet housing is slidably connected to the outer surface of the first base sidewall along the upper and lower flanges between the upper rail, lower rail, and lateral stop of the base housing to provide for quick mounting and removal of the power outlet housing from the base housing.

Regarding claim 47, the prior art does not teach or fairly suggest in combination with the other claimed limitations a method wherein the base housing cover plate having at least one cord channel formed in a peripheral region of the base housing cover plate adapted to allow passage of the alternating current power cord and the telephone cord, therethrough.

These limitations are found in claims 3, 7, 12, 16-18, 26, 35-37, 41, 42 and 47, and are neither disclosed nor taught by the prior art of record, alone or in combination.

Claim Objections

4. Claims 1, 2, 22, 23 and 51 are objected to because of the following informalities:

Claim 1 line 11, delete "and" after "comprising".

Claim 2 line 2, delete "outlet housing" after "claim 1".

Claim 22 lines 1-2, change "second mounting segment" to --second mounting plate--.

Claim 23 line 4, delete "of the base housing" after "inner chamber"

Claim 23 line 5, after "outlet" add --housing--.

Claim 23 line 5, delete "of the power outlet housing" after "front".

Claim 23 line 5, delete "first" before "base".

Claim 51 line 12, "the auxiliary chamber", lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 8, 10, 11, 13-15, 23-25, 27-30, 34, 40, 43, 46 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Ware (US 3,622,029).

Regarding claim 1, Ware discloses a combination electrical power and telephone outlet housing (see figure 3) comprising a base housing (46) having a backwall and a sidewall defining an inner chamber and having an open front (see figure 3), the inner chamber adapted to house an electrical power cord, a power plug and a telephone cord (see figure 3), the open front dimensioned to permit the passage therethrough of an electrical power cord, a telephone cord and a male telephone jack (see figure 3), the sidewall having an aperture (see figures 3 and 5) therethrough for receiving a power outlet and a female telephone jack (see figure 3); and a power outlet housing (72) affixable to the base housing (46) and comprising a backwall, and an open front, front and a sidewall defining an auxiliary inner chamber (see figures 3 and 4), the open front positionable in communication with the base housing aperture (see figure 3), the

sidewall having a wiring aperture (defined by knockouts) therethrough dimensioned for passing electrical wiring from exterior of the power outlet housing through to the auxiliary inner chamber (see figure 5), the auxiliary inner chamber dimensioned for housing a power outlet (see figure 5).

Note: it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re. Hutchison, 69 USPQ 138.

Regarding claim 2, Ware discloses the outlet housing (see figure 3) further comprises a wall mounting flange (56) connected to an outer surface of the side wall for providing connection to a wall stud of the building structure (see figure 3).

Regarding claim 6, Ware discloses the outlet housing (see figure 3) further comprising a power outlet cover plate (not shown) positioned in the base inner chamber and positioned to overlie portions of the power outlet housing open front and inner surface portions of the base sidewall (see figure 3) and having a power outlet cover aperture extending therethrough to provide access to the at least one female power outlet when positioned in the auxiliary inner chamber of the power outlet housing (see figure 3).

Regarding claim 8, Ware discloses the outlet housing (see figure 3) wherein the base sidewall (see figure 3) further has a female telephone jack aperture (defined by knockouts) sized to receive a female telephone jack.

Regarding claim 10, Ware discloses the outlet housing (see figure 3) wherein the base sidewall includes a pre-scored surface (defined by knockouts) adapted to be

detached by a user to form the female telephone jack aperture defining a removable telephone jack knockout (see figure 3) to thereby provide a user selectable aperture for connecting the female telephone jack to the base housing to accommodate at least one of top side and bottom side building structure telephone wiring (see figure 3).

Regarding claim 11, Ware disclose the outlet housing (see figure 3) wherein the base backwall has at least one power outlet aperture (defined by knockouts) to receive an alternating current female electrical power outlet therein, and the power outlet backwall has a building structure alternative current electrical wiring aperture (defined by knockouts) adapted to allow passage of building structure alternating current electrical wiring to connect to and supply electrical power to the alternating current electrical power outlet (26) when positioned therein, and further wherein at least one of the power outlet sidewall and the power outlet backwall includes a pre-scored surface (defined by knockouts) adapted to be detached by a user to form the building structure alternating current electrical wiring aperture defining a removable electrical wiring knockout (see figure 4) to thereby provide a user selectable passageway to accommodate at least one of top side and bottom side building alternating current electrical wiring to connect to and supply electrical power to an alternating current female electrical power outlet (see figure 5), and wherein the power outlet housing (72) further includes a pair of external spaced apart protuberance position adjacent the building structure alternating current electrical wiring aperture to provide guidance for passage of the building structure alternating current electrical wiring through the alternating current electrical wiring aperture into the auxiliary inner chamber of the

power outlet housing (see figure 5) to connect to and supply electrical power to the alternating current female electrical power outlet (see figure 5).

Regarding claim 13, Ware discloses the outlet housing (see figure 3) wherein the base sidewall further includes a plurality of bores (not shown, well known in the art) to provide a mounting connection for the power outlet cover plate (not shown) to mount the power outlet cover plate to the base sidewall and to enclose the auxiliary inner chamber of the power outlet housing between the base housing and the power outlet housing (see figure 3).

Regarding claim 14, Ware discloses an apparatus (see figure 3) comprising a base housing, a base open front, a base backwall, a plurality of base sidewalls extending between the base open front and the base backwall, and a base inner chamber therein positioned between the base backwall and a plurality of base sidewalls so that the base open front provides access to the base inner chamber (see figure 3), the base open front being sized large enough to allow the passage into and storage in the inner chamber of a combination of an alternating current power plug, an alternating current power cord, at least one male telephone jack connector, and a telephone cord associated with a telephone (see figure 3), the plurality of base sidewalls comprising a first base sidewall position transverse to and extending between the base open front and the base backwall of the housing and having at least one power outlet aperture (defined by knockouts) adapted to received an alternating current female electrical power outlet therein, and a second base sidewall positioned transverse to an extending between the base open front and the base backwall of the base housing and having a

female telephone jack aperture (defined by knockouts) adapted to receive a female telephone jack therein; and a power outlet housing (72) connected to the first base sidewall of the base housing and having an auxiliary inner chamber therein positioned to interface with the at least one power outlet aperture of the first base sidewall of the base housing to thereby reduce overall depth of a combination of the base housing and the power outlet housing within a building structure (see figure 3).

Regarding claim 15, Ware discloses the apparatus (see figure 3) further comprising a base housing cover plate (28) positioned to cover the base open front of the base housing to enclose major lengthwise extends of the telephone cord when connected to the male telephone jack connector and the alternating current power cord (see figure 5) when connected to the alternating current power plug within the base inner chamber of the base housing so that the major lengthwise extends of the telephone cord and the alternating current power cord are not readably visible outside of the base housing (see figure 5).

Regarding claim 23, Ware discloses the apparatus (see figure 3), wherein the power outlet housing (72) further includes a power outlet front to provide access to the auxiliary inner chamber (see figure 3), further comprising a power outlet cover plate (not shown) positioned in the base inner chamber and positioned to overlie portions of the power outlet housing open front and inner surface portions of the base sidewall (see figure 3) and having a power outlet cover aperture extending therethrough to provide access to the at least one female power outlet when positioned in the auxiliary inner chamber of the power outlet housing (see figure 3).

Regarding claim 24, Ware discloses the apparatus (see figure 3), wherein the base open front includes an inner perimeter and wherein the base housing includes a plurality of base housing cover plate supports (not shown) positioned at least partially within the base inner chamber adjacent the inner perimeter of the base open of the base housing cover plate to the base housing adjacent the base open front of the base housing, the base housing cover plate to cover the base open front of the base housing an enclose the base inner chamber (see figure 3).

Regarding claim 25, Ware discloses the apparatus (see figure 3), wherein the plurality of base sidewalls of the base housing (see figure 3) further includes a third base sidewalls having a second female telephone jack aperture (defined by knockouts) sized large enough to received the female telephone jack, and wherein the second base sidewalls of the base housing is one of a top and a bottom base sidewalls and the third base sidewalls is the other of the top and bottom base sidewalls (see figure 3 or column 2 lines 5-7).

Regarding claim 27, Ware discloses the apparatus (see figure 3) wherein the base sidewall includes a pre-scored surface (defined by knockouts) adapted to be detached by a user to form the female telephone jack aperture defining a removable telephone jack knockout (see figure 3) to thereby provide a user selectable aperture for connecting the female telephone jack to the base housing to accommodate at least one of top side and bottom side building structure telephone wiring (see figure 3).

Regarding claim 28, Ware disclose the apparatus (see figure 3) wherein the power outlet housing further includes a power outlet open front, a power outlet backwall,

a plurality of power outlet sidewalls extending between the power outlet open front and the power outlet backwall, the auxiliary inner chamber therein positioned between the power outlet backwall and the plurality of power outlet sidewalls so the power outlet open front provides access to the auxiliary inner chamber, wherein at least one of the power outlet sidewall and the power outlet backwall includes a pre-scored surface (defined by knockouts) adapted to be detached by a user to form the building structure alternating current electrical wiring aperture defining a removable electrical wiring knockout (see figure 4) to thereby provide a user selectable passageway to accommodate at least one of top side and bottom side building alternating current electrical wiring to connect to and supply electrical power to an alternating current female electrical power outlet (see figure 5), and wherein the power outlet housing (72) further includes a pair of external spaced apart protuberance position adjacent the building structure alternating current electrical wiring aperture to provide guidance for passage of the building structure alternating current electrical wiring through the alternating current electrical wiring aperture into the auxiliary inner chamber of the power outlet housing (see figure 5) to connect to and supply electrical power to the alternating current female electrical power outlet (see figure 5).

Regarding claim 29, Ware disclose the apparatus (see figure 3) further comprising a plurality of base cover plate connectors (68,70), wherein the base housing cover plate (not shown) includes a plurality of base housing cover plate connection apertures positioned to provide for the passage of the plurality of base housing cover plate connectors and positioned to align with the plurality of base housing cover plate

supports (see figure 5) when the base housing cover plate is positioned to cover the base open front of the base housing to thereby connect the base housing cover plate to the plurality of base housing cover plate supports, wherein the base housing cover plate has a front cover plate surface and an outer perimeter surrounding the front cover plate surface and wherein at least a portion of the outer perimeter is deflectable away from the front cover plate surface to further provide reduced wiring visualization and exposure when the base housing cover plate is positioned to cover the base open front of the base housing (see figure 5).

Regarding claim 30, Ware disclose the apparatus (see figure 3), wherein the first base sidewall of the base housing further includes a plurality of bores (well known in the art) to provide a mounting connection for the power outlet cover plate (not shown) to mount the power outlet cover plate to the first base sidewall of the base housing adjacent the at least one power outlet aperture of the base housing and to cover an outer periphery of the alternating current female electrical power outlet and enclose the auxiliary inner chamber of the power outlet housing between the base housing and the power outlet housing (see figure 3), and wherein the power outlet cover plate includes a plurality of power outlet connection apertures positioned to align with at least two flange apertures extending from the alternating current female electrical power outlet and at least two of the plurality of bores in the first base sidewall of the base housing to connect the power outlet cover plate and alternating current female electrical power outlet to the first base sidewall (see figure 3).

Regarding claim 34, Ware discloses an apparatus (see figure 3) for mounting a cordless device to produce reduced wiring visualization and exposure, the apparatus comprising: a base housing having a base open front, a base backwall, and a plurality of base sidewalls extending between the base open front and the base backwall, and a base inner chamber therein positioned between the base backwall and plurality of base sidewalls so that the base open front provides access to the base inner chamber (see figure 3), the base open front being sized large enough to allow the passage into and storage in the inner chamber of an alternating current power plug (see figure 3) and an alternating current power cord, at least one of the plurality of base sidewalls positioned transverse to and extending between the base open front and the base backwall and having at least one power outlet aperture (defined by knockouts), and a power outlet housing (72) connected to the first base sidewall (see figure 3) and having an auxiliary inner chamber therein positioned to interface with the base inner chamber; and an alternating current female electrical power outlet positionable between the base inner chamber and the auxiliary inner chamber and removable therefrom for providing access to the auxiliary inner chamber from the base inner chamber to thereby reduce an overall depth of a combination of the base housing and the power outlet housing within at least one of a furniture and a building structure (see figure 3).

Regarding claim 40, Ware discloses the apparatus (see figure 3), wherein the power outlet housing (72) further includes a power outlet front to provide access to the auxiliary inner chamber (see figure 3), further comprising a power outlet cover plate (not shown) positioned in the base inner chamber and positioned to overlie portions of the

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power outlet housing open front and inner surface portions of the base sidewall (see figure 3) and having a power outlet cover aperture extending therethrough to provide access to the at least one female power outlet when positioned in the auxiliary inner chamber of the power outlet housing (see figure 3).

Regarding claim 43, Ware discloses a method (see figure 3) for mounting an outlet housing for a telephone in a building structure to provide reduced wiring visualization exposure, the method comprising the steps of: providing a base housing (46) having a base open front, a base backwall, and a plurality of base sidewalls extending between the base open front and the base backwall forming a base inner chamber therein, the plurality of base sidewalls including a first base sidewall positioned transverse to and extending between the base open front and the base backwall (see figure 3) and having at least one power outlet aperture (defined by knockouts) to receive an alternating current female electrical power outlet therein, providing a power outlet housing (72) having a power outlet open front, a power outlet backwall, and a plurality of power outlet sidewalls extending between the power outlet open front and the power outlet backwall forming an auxiliary inner chamber therein (see figure 3), connecting the power outlet housing to the first base sidewall so that the power outlet open front interfaces with the at least one power outlet aperture of the first base sidewall to thereby reduce overall depth of the outlet housing within the building structure, and recessing the base housing and power outlet housing within an interior wall surface of the building structure (see figure 3).

Regarding claim 46, Ware discloses a method (see figure 3) for installing a telephone in a building structure to provide reduced wiring visualization exposure, the method comprising the steps of: connecting a male telephone jack connector to a female telephone jack positioned in a base inner chamber of an outlet housing (see figure 3) recessed within an interior wall of the building structure and having a base housing (46) and a power outlet housing (72), by passing the male telephone jack connector through a base open front of the base housing to engage the female telephone jack; connecting an alternating current power plug to an alternating current female electrical power outlet having an outlet surface facing into the base housing and a power outlet body (see figure 3) positioned within the power outlet housing, by passing the alternating current power plug through the base open front and engaging a socket of the alternating current female electrical power outlet, and positioning major lengthwise extents of a telephone cord connected to the male telephone jack connector and alternating current power cord connected to the alternating current power plug within the base inner chamber (see figure 3).

Regarding claim 51, Ware discloses a method for mounting cordless device hardware in a building structure to provide reduced wiring visualization exposure, the method comprising the steps of: threading electrical wiring through an aperture (defined by knockouts) in a power outlet housing (72) mounted within a wall structure of a building, passing the electrical wiring through the power outlet housing and into an inner chamber of a base housing (26) removably connected to the power outlet housing (72), pulling the electrical wiring out of an open front of the base housing in spaced relation

from the building wall structure (see figures 3 and 5), connecting the electrical wiring to an alternating current power outlet having at least one power outlet socket on a front face thereof, positioning the alternating current power outlet within an auxiliary chamber, the front face facing into the base inner chamber, and placing a cover plate (28) over the base housing, the cover plate openable to provide access to the power outlet, thereby reducing an overall depth of a combination of the base housing and the power outlet housing within the building structure, and providing a significantly lower profile for the power outlet relative to the building wall structure (see figures 3 and 5).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4, 5, 19-22, 38-39, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ware (US 3,622,029) in view of Boteler (US 4,062,470).

Regarding claim 4, Ware discloses the claimed invention except for the outlet housing including an exterior surface including a transversely extending upper and lower rail and a wall mounting flange having first and second mounting plate substantially forming an L-shape and slidably connected to the exterior surface of the base sidewall along the upper and the lower rail. Boteler teaches an outlet housing (10) wherein a base sidewall further includes, an exterior surface (see figure 1) including a transversely extending upper rail (22a), a lower rail (22b) substantially parallel to and spaced apart from the upper rail (see figure 1), the upper rail and lower rail having adjacent first and second ends (see figure 1), and a lateral stop (24) adjacent an end of the upper and lower rails, wherein the outlet housing (10) further comprises a wall mounting flange (28) having first and second mounting plates (28a,28b) substantially forming an L-shape (see figure 1), and wherein the first mounting plate (28a) of the wall mounting flange is slidably connected to the exterior surface of the base sidewall along the upper rail, the lower rail, and the lateral stop (see figure 1) and substantially parallel with the exterior surface of the base sidewall, to provide for quick mounting of the wall mounting flange to and removal from the base housing (see figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the base sidewall with an upper and lower rail and a wall mounting flange slidably connected to said rails as taught by Boteler to provide means for removably connect a

wall mounting flange to an exterior surface of base sidewall for securing the box to a support member whenever is necessary.

Regarding claim 5, Boteler teaches the outlet housing (10) wherein the second mounting plate (28b) of the wall mounting flange includes at least one spike (column 4 lines 48-53) adapted to pierce a wall stud and positioned substantially parallel to the sidewall for connecting to a wall stud of a building structure.

Regarding claim 19, Ware discloses the claimed invention except for a wall-mounting flange connected to the outer surface of the base sidewall. Boteler teaches an outlet housing (10) wherein a base sidewall further includes, an exterior surface (see figure 1) having an outer surface position opposite the first base sidewall of the base housing, and a wall mounting flange (28) connected to the outer surface of the third base sidewall to thereby provide connection of the base housing to a wall stud of the building structure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the base sidewall with a wall mounting flange connected to the outer surface of the base sidewall as taught by Boteler to provide means for securing the box to a building support member, such as a wall stud.

Regarding claim 20, Ware discloses the claimed invention except for the outlet housing including an exterior surface including a transversely extending upper and lower rail and a wall mounting flange having first and second mounting plate substantially slidably connected to the exterior surface of the base sidewall along the upper and the lower rail. Boteler teaches an outlet housing (10) wherein a base sidewall further includes, an exterior surface (see figure 1) including a transversely

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extending upper rail (22a), a lower rail (22b) substantially parallel to and spaced apart from the upper rail (see figure 1), the upper rail and lower rail having adjacent first and second ends (see figure 1), and a lateral stop (24) adjacent an end of the upper and lower rails, wherein the outlet housing (10) further comprises a wall mounting flange (28) having first and second mounting plates (28a,28b) and wherein the first mounting plate (28a) of the wall mounting flange is slidably connected to the exterior surface of the base sidewall along the upper rail, the lower rail, and the lateral stop (see figure 1) and substantially parallel with the exterior surface of the base sidewall, to provide for quick mounting of the wall mounting flange to and removal from the base housing (see figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the base sidewall with an upper and lower rail and wall mounting flange slidably connected to said rails as taught by Boteler to provide means for removably connect a wall mounting flange to an exterior surface of base sidewall for securing the box to a support member whenever is necessary.

Regarding claim 21, Boteler teaches the apparatus (10) wherein the second mounting plate (28b) of the wall mounting flange includes at least one spike (column 4 lines 48-53) adapted to pierce a wall stud and positioned substantially parallel to the sidewall for connecting to a wall stud of a building structure.

Regarding claim 22, Boteler teaches the apparatus (10), wherein the second mounting plate of mounting flange (28b) includes a plurality of slots (see figure 1) adapted to allow for the passage of a plurality of stud connectors, and wherein the at

least one spike (column 4 lines 48-53) is position substantially parallel to the third sidewall of the base housing (see figure 1).

Regarding claim 38, Ware discloses the claimed invention except for a mounting flange connected to the outer surface of the base sidewall. Boteler teaches an outlet housing (10) wherein a base sidewall further includes, an exterior surface (see figure 1) having an outer surface position opposite the first base sidewall of the base housing, and a mounting flange (28) connected to the outer surface of the base sidewall to thereby provide connection of the base housing to a wall stud of the building structure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the base sidewall with a wall mounting flange connected to the outer surface of the base sidewall as taught by Boteler to provide means for securing the box to a building support member, such as a wall stud.

Regarding claim 39, Ware discloses the claimed invention except for the outlet housing including an exterior surface including a transversely extending upper and lower rail and a mounting flange having first and second mounting plate substantially slidably connected to the exterior surface of the base sidewall along the upper and the lower rail. Boteler teaches an outlet housing (10) wherein a base sidewall further includes, an exterior surface (see figure 1) including a transversely extending upper rail (22a), a lower rail (22b) substantially parallel to and spaced apart from the upper rail (see figure 1), the upper rail and lower rail having adjacent first and second ends (see figure 1), and a lateral stop (24) adjacent an end of the upper and lower rails, wherein the outlet housing (10) further comprises a wall mounting flange (28) having first and

second mounting plates (28a,28b) and wherein the first mounting plate (28a) of the wall mounting flange is slidably connected to the exterior surface of the base sidewall along the upper rail, the lower rail, and the lateral stop (see figure 1) and substantially parallel with the exterior surface of the base sidewall, to provide for quick mounting of the wall mounting flange to and removal from the base housing (see figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the base sidewall with an upper and lower rail and wall mounting flange slidably connected to said rails as taught by Boteler to provide means for removably connect a wall mounting flange to an exterior surface of base sidewall for securing the box to a support member whenever is necessary.

Regarding claim 44, Ware discloses the claimed invention except for a wall mounting flange connected to the exterior surface of the base sidewall. Boteler teaches an outlet housing (10) wherein a base sidewall further includes, an exterior surface (see figure 1) having an outer surface position opposite the first base sidewall of the base housing, and a wall mounting flange (28) having at least one stud connection spike connected to the outer surface of a base sidewall to thereby provide connection of the base housing to a wall stud of the building structure. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the base sidewall with a wall mounting flange connected to the outer surface of the base sidewall as taught by Boteler to provide means for securing the box to a building support member, such as a wall stud.

Regarding claim 45, Ware discloses the method, further comprising the steps of: connecting a female telephone jack to at least one of a top and a bottom base sidewall of the base housing (see figure 3) having a female telephone jack aperture (defined by knockouts) sized to receive the telephone jack; and connecting an alternating current female electrical power outlet at least partially within the base inner chamber of the base housing (see figure 3).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kinney et al (US 3,927,785) and Ware (US 3,980,197) discloses an electrical power box with an auxiliary chamber.

8. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

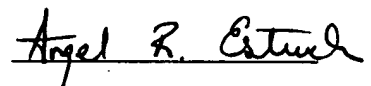
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 9, 2006

A handwritten signature in black ink, reading "Angel R. Estrada". The signature is written in a cursive style with a horizontal line underneath the name.

Angel R. Estrada
Patent Examiner
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